

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 250

S.P. 86

In Senate, February 5, 2013

**An Act To Make Supplemental Appropriations and Allocations for  
the Expenditures of State Government and To Change Certain  
Provisions of the Law Necessary to the Proper Operations of State  
Government for the Fiscal Year Ending June 30, 2013**

(EMERGENCY)

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Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator HILL of York. (GOVERNOR'S BILL)  
Cosponsored by Representative ROTUNDO of Lewiston and  
Senator: FLOOD of Kennebec, Representative: CHASE of Wells.

**2. Department of Health and Human Services.** The Department of Health and Human Services must apply:

A. Any balance remaining in the accounts of the Department of Health and Human Services appropriated for the purposes of homemaker or home-based care services at the end of any fiscal year to be carried forward for use by either program in the next fiscal year;

B. Any balance remaining in the Traumatic Brain Injury Seed program, General Fund account at the end of any fiscal year to be carried forward for use in the next fiscal year;

C. Any balance remaining in the General Fund account of the Department of Health and Human Services, Bureau of Medical Services appropriated for All Other line category expenditures at the end of any fiscal year to be carried forward for use in the next fiscal year; ~~and~~

D. Any balance remaining in the accounts of the Department of Health and Human Services, Mental Health Services - Community program appropriated for the purposes of rental assistance, shelter services and consent decree activities at the end of any fiscal year to be carried forward for use in the next fiscal year for the same purpose; and

E. Any balance remaining in the Consent Decree program, General Fund account at the end of any fiscal year to be carried forward for use in the next fiscal year.

## PART W

**Sec. W-1. Emergency rule-making authority; health and human services matters.** The Department of Health and Human Services is authorized to adopt emergency rules on or before June 30, 2013 under the Maine Revised Statutes, Title 5, sections 8054 and 8073 in order to implement those provisions of this Act over which the department has subject matter jurisdiction for which specific authority has not been provided in any other Part of this Act without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

## PART X

**Sec. X-1. 24-A MRSA §6914, last ¶**, as enacted by PL 2011, c. 477, Pt. Y, §1, is amended to read:

Beginning September 1, 2012, but not later than June 30, 2013, Dirigo Health shall transfer ~~\$2,397,939~~ \$7,210,000 from the Dirigo Health Enterprise Fund to the Medical Care - Payments to Providers, Other Special Revenue Funds account in the Department of Health and Human Services for the purpose of providing a state match for federal Medicaid services.

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**PART R**

This Part amends the requirement that the Commissioner of Education and the Commissioner of Labor identify General Fund savings to pay the cost of certain positions by removing the requirement that the funds come from savings from General Fund programs.

**PART S**

This Part changes the title of the Director, PK-20, Adult Education and Federal Programs Team to Chief Academic Officer.

**PART T**

This Part caps General Fund expenditures for general assistance reimbursement at \$10,171,243 per fiscal year. It also provides that municipalities are not required to provide assistance to eligible individuals if the municipality reasonably anticipates that it will not be reimbursed by the Department of Health and Human Services for that assistance.

**PART U**

This Part does the following.

It makes the authorization to transfer balances between MaineCare and MaineCare-related accounts permanent and defines which programs are authorized to be included in those transfers.

It authorizes the Department of Health and Human Services, in fiscal year 2012-13 only, to transfer available Personal Services appropriation balances to All Other and authorizes those balances to be transferred by financial order to MaineCare or MaineCare-related programs upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

**PART V**

This Part requires that any remaining balance in the Consent Decree program, General Fund account within the Department of Health and Human Services be carried forward for use in the next fiscal year.

**PART W**

This Part gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of the bill over which it has subject matter jurisdiction for which specific authority has not been provided by some other Part of the bill without having to demonstrate that immediate adoption is necessary to avoid an immediate threat to public health, safety or general welfare.

**PART X**

1 This Part increases the amount of the transfer that Dirigo Health is required to make  
2 to the Department of Health and Human Services in fiscal year 2012-13.

3 **PART Y**

4 This Part does the following.

5 It authorizes a one-time transfer of \$73,741 from the Inland Fisheries and Wildlife  
6 Carrying Balances - General Fund account to the Resource Management Services - Inland  
7 Fisheries and Wildlife program, General Fund account, to fund the reclassification of 6  
8 Fish Culture Assistant Supervisor positions from range 18 to range 19.

9 It authorizes a one-time transfer of \$33,658 from the Inland Fisheries and Wildlife  
10 Carrying Balances - General Fund account to the Enforcement Operations - Inland  
11 Fisheries and Wildlife program, General Fund account, to fund the reclassification of 4  
12 Office Associate II positions to Warden Service Communication Operator positions.

13 It authorizes a one-time transfer of \$6,113 from the Inland Fisheries and Wildlife  
14 Carrying Balances - General Fund account to the Resource Management Services - Inland  
15 Fisheries and Wildlife program, General Fund account, to fund the reclassification of one  
16 Biology Specialist position to a Biologist I position.

17 **PART Z**

18 This Part authorizes the Judicial Department to transfer, in fiscal year 2012-13 only,  
19 all remaining Personal Services balances to the All Other line category in the Judicial  
20 Department - Courts - Supreme, Superior and District program, General Fund account.

21 **PART AA**

22 This Part requires the State Controller to transfer \$3,000,000 from available Other  
23 Special Revenue Funds balances in the Department of Professional and Financial  
24 Regulation to the General Fund unappropriated surplus. The Commissioner of  
25 Professional and Financial Regulation is required to notify the State Controller and the  
26 Joint Standing Committee on Appropriations and Financial Affairs of the amounts that  
27 must be transferred from each affected account.

28 **PART BB**

29 This Part changes the funding source for 2 Workers' Compensation Board positions  
30 related to the enforcement of laws prohibiting the misclassification of workers from the  
31 Workers' Compensation Board's reserve account to the Workers' Compensation Board  
32 assessment on workers' compensation insurers and self-insured employers.



# 126th MAINE LEGISLATURE

**LD 250****LR 1045(01)**

**An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013**

**Fiscal Note for Original Bill****Sponsor: Sen. Hill of York****Committee: Appropriations and Financial Affairs****Fiscal Note Required: Yes**

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## Fiscal Note

	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>Projections FY 2015-16</b>	<b>Projections FY 2016-17</b>
<b>Net Cost (Savings)</b>					
General Fund	(\$35,608,719)	\$0	\$0	\$0	\$0
Fund for a Healthy Maine	\$1,240,572	\$0	\$0	\$0	\$0
<b>Appropriations/Allocations</b>					
General Fund	\$33,368,669	\$0	\$0	\$0	\$0
Federal Expenditures Fund	\$162,406,940	\$0	\$0	\$0	\$0
Fund for a Healthy Maine	\$1,240,572	\$0	\$0	\$0	\$0
Other Special Revenue Funds	(\$1,553,545)	\$0	\$0	\$0	\$0
Financial and Personnel Services Fund	\$67,367	\$0	\$0	\$0	\$0
Real Property Lease Internal Service Fund	\$0	\$0	\$0	\$0	\$0
Competitive Skills Scholarship Fund	\$433,112	\$0	\$0	\$0	\$0
<b>Revenue</b>					
General Fund	(\$13,000,000)	\$0	\$0	\$0	\$0
<b>Transfers</b>					
General Fund	\$81,977,388	\$0	\$0	\$0	\$0
Other Special Revenue Funds	(\$13,594,618)	\$0	\$0	\$0	\$0
Dirigo Health Fund	(\$4,812,061)	\$0	\$0	\$0	\$0

	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>Projections FY 2015-16</b>	<b>Projections FY 2016-17</b>
<b>Transfers</b>					
<b>General Fund</b>					
PART E, Section 7	\$2,870,709	\$0	\$0	\$0	\$0
PART F, Section 1	\$14,096,679	\$0	\$0	\$0	\$0
PART I, Section 1	\$40,000,000	\$0	\$0	\$0	\$0
PART I, Section 2	\$17,100,000	\$0	\$0	\$0	\$0
PART K, Section 1	\$310,000	\$0	\$0	\$0	\$0
PART L, Section 1	\$1,600,000	\$0	\$0	\$0	\$0
PART M, Section 1	\$1,000,000	\$0	\$0	\$0	\$0
PART O, Section 1	\$2,000,000	\$0	\$0	\$0	\$0
PART AA, Section 1	\$3,000,000	\$0	\$0	\$0	\$0
<b>Other Special Revenue Funds</b>					
PART F, Section 1	(\$14,096,679)	\$0	\$0	\$0	\$0
PART K, Section 1	(\$310,000)	\$0	\$0	\$0	\$0
PART M, Section 1	(\$1,000,000)	\$0	\$0	\$0	\$0
PART X, Section 1	\$4,812,061	\$0	\$0	\$0	\$0
PART AA, Section 1	(\$3,000,000)	\$0	\$0	\$0	\$0
<b>Dirigo Health Fund</b>					
PART X, Section 1	(\$4,812,061)	\$0	\$0	\$0	\$0